

REMARKS

Applicants submit herein a Supplemental Application Data Sheet (ADS) to correct priority information in the present application. More specifically, as indicated in the enclosed supplemental ADS, the present application is the U.S. national phase application of PCT Application No. PCT/US2003/041600, filed December 24, 2003, which is a continuation-in-part application of U.S. Application No. 10/627,556, filed July 26, 2003. The additional priority claims in the original Application Data Sheet to U.S. Application No. 10/053,530 and U.S. Provisional Application No. 60/367,358 are incorrect because PCT Application No. PCT/US2003/041600 does not claim priority to those two applications (*see*, cover page of published PCT/US2003/041600, WO 2005/017148, enclosed).

Applicants submit that such corrections to the priority information of the present application do not affect the allowability of the subject matter claimed in the present application. More specifically, in the Restriction Requirement dated February 20, 2009, the claims were accorded a priority date of December 24, 2003 (*i.e.*, the filing date of PCT Application No. PCT/US2003/041600) for purposes of determining unity of invention (and applying prior art) (*see*, page 3 of the Restriction Requirement). In addition, in the Office Action dated June 9, 2009, it was again stated that the priority filing date of the instant claims was December 24, 2003 (*see*, page 5 of the Office Action). Although Applicants disagree with such a priority determination and submit that the claims of the present application are entitled to the priority date of July 26, 2003 (*i.e.*, the filing date of U.S. Application No. 10/627,556), the prosecution history of the present application indicates that the claims have been examined based on the assumption that the priority date of the present application is the filing date of PCT Application No. PCT/US2003/041600, not any of the earlier priority dates claimed. Accordingly, the corrections to the priority information of the present application do not affect the scope of prior art references that should be considered. In other words, removing the above-noted two earlier priority claims in the present application does not make any additional prior art references available because all of potentially relevant prior art references have already been considered in the present application.

The Examiner is encouraged to call the undersigned representative if she has concerns regarding the above remarks.

Respectfully submitted,
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Enclosures:

Supplemental Application Data Sheet
Cover page of WO 2005/017148

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For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: BINDING CONSTRUCTS AND METHODS FOR USE THEREOF

(57) Abstract: The invention relates to novel binding domain-immunoglobulin fusion proteins that feature a binding domain for a cognate structure such as an antigen, a counterreceptor or the like, a wild-type IgG, IGA or IgE hinge-acting region, i.e., IgE CH2, region polypeptide or a mutant IgG hinge region polypeptide having either zero, one or two cysteine residues, and immunoglobulin CH2 and CH3 domains, and that are capable of ADCC and/or CDC while occurring predominantly as polypeptides that are compromised in their ability to form disulfide-linked multimers. The fusion proteins can be recombinantly produced at high expression levels. Also provided are related compositions and methods, including cell surface forms of the fusion proteins and immunotherapeutic applications of the fusion proteins and of polynucleotides encoding such fusion proteins.

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